

THE HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JANICE M. McMANN, Individually and as  
Personal Representative of the heirs and estate of  
DALE E. McMANN,

Plaintiff,

v.

AIR & LIQUID SYSTEMS CORPORATION,  
successor by merger to Buffalo Pumps, Inc., et  
al;

Defendants.

NO. 3:16-cv-05635 RBL

**DECLARATION OF BRIAN  
WEINSTEIN IN SUPPORT OF  
PLAINTIFF'S OPPOSITION TO  
WARREN PUMPS, LLC'S MOTION  
FOR SUMMARY JUDGMENT**

**NOTED ON MOTION CALENDAR:  
FEBRUARY 9, 2018**

**ORAL ARGUMENT REQUESTED**

I, Brian Weinstein, declare and state as follows:

1. I am over the age of 18 years and am competent to testify to the matters below.

2. I am one of the attorneys representing Plaintiff, Janice M. McMann, Individually and as Personal Representative of the heirs and estate of Dale E. McMann, deceased, and make this Declaration in support of Plaintiff's Opposition to Warren Pumps, LLC's Motion for Summary Judgment.

DECLARATION OF BRIAN WEINSTEIN IN SUPPORT OF  
PLAINTIFF'S OPPOSITION TO WARREN PUMPS, LLC'S  
MOTION FOR SUMMARY JUDGMENT

THE NEMEROFF LAW FIRM  
3355 WEST ALABAMA STREET, STE. 650  
HOUSTON, TEXAS 77098  
TELEPHONE: 281.378.5970  
FACSIMILE: 281.378.5976

1           3.       Attached hereto as **Exhibit “1”** is a copy of the Deposition of Dale McMann,  
2 Volume I, dated May 28, 2014;

3           4.       Attached hereto as **Exhibit “2”** is a copy of the Deposition of Dale McMann,  
4 Volume II, dated May 29, 2014;

5           5.       Attached hereto as **Exhibit “3”** is a copy of the Deposition of Dale McMann,  
6 Volume III, dated August 19, 2014;

7           6.       Attached hereto as **Exhibit “4”** is a copy of Warren Instruction Manual for  
8 Operation and Maintenance of Fresh Water Pumps, dated April 1945.

9           7.       Attached hereto as **Exhibit “5”** is a copy of Warren Instruction Book - Fresh  
10 Water Pump, dated September 1954.

11           8.       Attached hereto as **Exhibit “6”** is a copy of Warren Instruction Book – Main  
12 Condenser Circulating Pump, dated April 1954.

13           9.       Attached hereto as **Exhibit “7”** is a copy of Warren Technical Manual – Chain  
14 Driven Lube Oil Service Pump, dated October 1959.

15           10.      Attached hereto as **Exhibit “8”** is a copy of Warren Technical Manual –  
16 Condenser Condensate Pump, dated November 1955.

17           11.      Attached hereto as **Exhibit “9”** is a copy of Warren Technical Manual – Bilge  
18 & Fuel Oil Tank Stripping Pump, dated December 1959.

19           12.      Attached hereto as **Exhibit “10”** is a copy of Warren Technical Manual -  
20 Standby Lube Oil Pump, dated May 1960.

21           13.      Attached hereto as **Exhibit “11”** is a copy of Warren Technical Manual –  
22 Turbine Driven Main Condenser Circulating Pump, dated August 1960.

1           14. Attached hereto as **Exhibit “12”** is a copy of Excerpts of Warren’s Answers and  
2 Supplemental Answers to Interrogatories in the matter of *in re: Newport New Circuit Court All*  
3 *Asbestos Cases* CL90-10000W-01 and CL90-10000C-03.

4           15. Attached hereto as **Exhibit “13”** is a copy of Excerpts of the Deposition of  
5 Roland R. Doktor, in *Balthazar v. AW Chesterton Company, et al.*, No. 06-3620, Middlesex  
6 County, Massachusetts, dated April 19, 2007.

7           16. Attached hereto as **Exhibit “14”** is a copy of Excerpts of the Deposition of  
8 Roland R. Doktor in *Prough v. Allis Chalmers Corp., et al.*, No. BC389423, in the Superior  
9 Court for the County of Los Angeles, California.

10           17. Attached hereto as **Exhibit “15”** is a copy of the Declaration of Melvin  
11 Wortman, dated March 13, 2009.

12           18. Attached hereto as **Exhibit “16”** is a copy of the Deposition of Melvin  
13 Wortman, dated April 10, 2009.

14           19. Attached hereto as **Exhibit “17”** is a copy of the Deposition of Melvin  
15 Wortman, dated April 16, 2009.

16           20. Attached hereto as **Exhibit “18”** is a copy of the Expert Report of Stephen  
17 Paskal, CIH, dated May 22, 2014.

18           21. Attached hereto as **Exhibit “19”** is a copy of the Supplemental Expert Report of  
19 Stephen Paskal, CIH, dated September 10, 2014.

20           22. Attached hereto as **Exhibit “20”** is a copy of the Affidavit of Arthur Frank  
21 M.D., Ph.D., dated June 17, 2014.

1           23.     Attached hereto as **Exhibit “21”** is a copy of the Supplemental Affidavit of  
2 Arthur Frank, M.D., Ph.D., dated October 2, 2017.

3           24.     Attached hereto as **Exhibit “22”** is a copy of the General Affidavit of Arthur  
4 Frank, M.D., Ph.D., dated December 20, 2016.

5           25.     Attached hereto as **Exhibit “23”** is a copy of the Affidavit of Captain William  
6 A. Lowell, dated October 24, 2014.

7           26.     Attached hereto as **Exhibit “24”** is a copy of Manual L-1, *Warning Labels: A*  
8 *Guide for the Preparation of Warning Labels for Hazardous Chemicals*, Manufacturing  
9 Chemists’ Association (1956).

10          27.     Attached hereto as **Exhibit “25”** is a copy of Military Standard: *Marking For*  
11 *Shipment and Storage*, MIL-STD-129B (1957).

12          28.     Attached hereto as **Exhibit “26”** is a copy of Military Standard: *Marking For*  
13 *Shipment and Storage*, MIL-STD 129C (1960).

14          29.     Attached hereto as **Exhibit “27”** is a copy of Military Specification: *Plates,*  
15 *Tags, and Bands for Identification of Equipment*, MIL-P-15024D (1971).

16          30.     Attached hereto as **Exhibit “28”** is a copy of Military Specification:  
17 *Preservation, Packaging, Packing and Marking of Pumps*, MIL-P-16789B (1962).

18          31.     Attached hereto as **Exhibit “29”** is a copy of Military Specification: *Turbines,*  
19 *Steam, Propulsion For Naval Shipboard Use*, MIL-T-17600A (1955).

20          32.     Attached hereto as **Exhibit “30”** is a copy of Military Standard: *Symbols for*  
21 *Packages And Containers For Hazardous Industrial Chemicals And Materials*, MIL-STD-  
22 1341A (1970).

1           33. Attached hereto as **Exhibit “31”** is a copy of Federal Standard: *Symbols for*  
2 *Packages And Containers For Hazardous Industrial Chemicals And Materials*, Std. No. 313  
3 (1971).

4           34. Attached hereto as **Exhibit “32”** is a copy of the Deposition of Adam Martin in  
5 *In Re: Asbestos Cases*, U.S. Dist. Court for the E.D.V.A., C/P No. 77-1, dated January 28,  
6 1983.

7           35. Attached hereto as **Exhibit “33”** is a copy of Defendant United States of  
8 America’s Supplemental Discovery Responses in *GAF v. United States*, No. 287-83-C, United  
9 States Claims Court, dated August 21, 1984.

10           36. Attached hereto as **Exhibit “34”** is a copy of the Dept. of the Navy, *Uniform*  
11 *Labeling Program*, SECNAV 5160.8 (1956).

12           37. Attached hereto as **Exhibit “35”** is a copy of the Dept. of the Navy, NAVSUP  
13 Publication 4500, *Consolidated Hazardous Items List*, (“CHIL”) (1969).

14           38. Attached hereto as **Exhibit “36”** is a copy of the Dept. of the Navy, Supply  
15 Systems Cmd, NAVSUP Pub. 4500, *Consolidated Hazardous Item List* (“CHIL”) (1977)

16           39. Attached hereto as **Exhibit “37”** is a copy of Excerpts of Deposition of David  
17 Sargent, in *Gray v. John Crane Inc., et al.*, Case No. CL0800724PT, in the Circuit Court for  
18 the City of Newport News, Virginia, dated April 29, 2009.

19           40. Attached hereto as **Exhibit “38”** is a copy of Military Specification: *Manuals,*  
20 *Equipment, and Systems*, MIL-M-15071C (1957).

21           41. Attached hereto as **Exhibit “39”** is a copy of Military Specification: *Manual,*  
22 *Service Instruction Books for Shipboard*, MIL-M-15071D (1961).

42. Attached hereto as **Exhibit “40”** is a copy of Military Specification, *Manuals, Equipment, and Systems*, MIL-M-15071E (1962).

43. Attached hereto as **Exhibit “41”** is a copy of Military Specification: *General Requirements for Technical Manuals*, MIL-M-38784, (1968).

44. Attached hereto as **Exhibit "42"** is a copy of the Letter from Johns-Manville Corp. to Owens-Corning Fiberglas Corp. dated August 18, 1964.

45. Attached hereto as **Exhibit "43"** is a copy of the Johns-Manville Internal Correspondence re: Warning Labels, December 3, 1975.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this 5<sup>th</sup> day of February, 2018, in Seattle, Washington.

/s/ *Brian Weinstein*

Brian Weinstein, WSBA No. #24497

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
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JANICE M. McMANN, Individually and as  
Personal Representative of the heirs and estate of  
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successor by merger to Buffalo Pumps, Inc., et  
al;

Defendants.

NO. 3:16-cv-05635 RBL

**CERTIFICATE OF SERVICE**

**CERTIFICATE OF SERVICE**

I hereby certify that on February 5, 2018 I electronically filed the foregoing with the  
Clerk of the Court using the CM/ECF system which will send notification of such filing to the  
below listed counsel.

I further certify that I have served by mail, facsimile and/or email the document to any  
non CM/ECF participant.

/s/ Barrett Naman

Barrett Naman, *Pro Hac Vice*

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